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Ontario

Building Materials Evaluation Commission

Commission d'évaluation des matériaux de construction

BUILDING MATERIALS EVALUATION COMMISSION

Annual Report

2010 – 2011

Ministry of
Municipal Affairs
and Housing

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TO THE LIEUTENANT GOVERNOR
OF THE PROVINCE OF ONTARIO

MAY IT PLEASE YOUR HONOUR:

For the information of Your Honour and the Legislative Assembly, I am presenting the Annual Report of the Building Materials Evaluation Commission for the fiscal year 2010/11.

Respectfully submitted,

Rick Bartolucci

Rick Bartolucci, MPP, Sudbury
Minister

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Building Materials Evaluation Commission

Commission d'évaluation des matériaux de construction

June 15, 2011

The Honourable Rick Bartolucci
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario
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Dear Minister Bartolucci:

Re: Building Materials Evaluation Commission
Annual Report – Fiscal year 2010 - 2011

It is my pleasure, as Chair of the Building Materials Evaluation Commission, to present to you the Building Materials Evaluation Commission Annual Report for the fiscal year ending March 31, 2011.

The enclosed Annual Report highlights the Building Materials Evaluation Commission's accomplishments over the 2010 – 2011 fiscal period and outlines challenges that have been identified for the future. While the Building Materials Evaluation Commission performed fairly well in terms of the timeliness of decisions, the target of 90 days was not achieved. During the 2010 – 2011 fiscal year, the Building Materials Evaluation Commission made decisions within 120 days of receiving an application in the majority of cases. In total, the Building Materials Evaluation Commission received 12 new applications, issued six new authorizations and amended two existing authorizations.

I would like to thank my fellow Commission members whose knowledge and dedication have earned the Building Materials Evaluation Commission an excellent reputation as a valuable service provider in the building and construction industry. On behalf of all members of the Building Materials Evaluation Commission, I would like to express our thanks to the staff of the Ministry of Municipal Affairs and Housing for their support to the Building Materials Evaluation Commission. Without their excellent administrative, technical and legal assistance the Building Materials Evaluation Commission simply could not function.

Sincerely,

Edward Link, P. Eng
Chair, Building Materials Evaluation Commission

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BUILDING MATERIALS EVALUATION COMMISSION
2010 – 2011 Annual Report

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BUILDING MATERIALS EVALUATION COMMISSION
2010 – 2011 Annual Report

A. MANDATE

The Building Materials Evaluation Commission is an independent regulatory agency whose legislative authority is set out in section 28 of the *Building Code Act, 1992*.

The Building Materials Evaluation Commission has a mandate to evaluate and authorize, subject to conditions, innovative building materials, systems or designs for use in construction in Ontario. In addition, the mandate of the Building Materials Evaluation Commission also includes: conducting research on and/or examining construction materials, systems and building designs or causing such research to be conducted and examinations to be undertaken, and making recommendations to the Minister of Municipal Affairs and Housing respecting changes to the *Building Code Act, 1992* or the Building Code.

Commitment to Service and Guiding Principles

The inaugural meeting of the Building Materials Evaluation Commission was held on February 18th, 1976, shortly after the *Building Code Act, 1992* came into effect. Since then - over a quarter century and more than 350 authorizations later - the Building Materials Evaluation Commission has endeavoured to provide a timely, expert and transparent process for authorizing the use of innovative materials, systems and building designs. In doing so, the Commission has earned a reputation of being an effective, useful and quality service provider within the construction industry.

The Building Materials Evaluation Commission has entered into a Memorandum of Understanding with the Minister of Municipal Affairs and Housing in respect of the administration of the Commission. The Memorandum of Understanding sets out the relationship between the Chair of the Building Materials Evaluation Commission, the Minister and the Ministry of Municipal Affairs and Housing with respect to the Building Materials Evaluation Commission and the service it provides. The purpose of the Memorandum of Understanding is to establish the responsibilities of these parties and to ensure that accountability is a fundamental principle that is observed in the management, administration and operations of the Building Materials Evaluation Commission.

As an agency of government, the Building Materials Evaluation Commission conducts itself according to the management principles of the Government of Ontario. The Commission's proceedings are governed by the *Building Code Act, 1992*, the Building Materials Evaluation Commission's Guidelines, Policies and Procedures Handbook, Treasury Board/Management Board of Cabinet directives and the *Public Service of Ontario Act, 2006*. These principles and governance elements include ethical behavior, accountability, excellence in management, wise use of public funds, and high-quality service to the public by contributing to the health, safety, accessibility and energy efficiency of buildings in Ontario, and by playing a positive role within Ontario's construction sector.

B. ABOUT THE BUILDING MATERIALS EVALUATION COMMISSION

Building Materials Evaluation Commission Process and Procedures

Applications for authorization are submitted to the Building Materials Evaluation Commission by manufacturers of building materials, systems or designs.

The Building Materials Evaluation Commission makes decisions on applications, but subcommittees are usually established to carry out detailed evaluations and report to the Commission. The subcommittees typically consist of Commission members who are familiar with, and/or expert in, the field of technology associated with the application. The Commission may request comments from Ministry of Municipal Affairs and Housing technical staff or other research or standards issuing bodies.

Typically, the Building Materials Evaluation Commission holds one meeting each month, with approximately four to six subcommittee meetings in that same period. The issuance of decisions by the Commission usually takes between 90 and 120 days, depending on the complexity of the application and the additional information required of the Applicants, as well as the timeliness of their response(s).

Members and Staff

As of March 2011, the Building Materials Evaluation Commission has 10 part-time members, which includes a Chair and a Vice-Chair. All members are appointed by Order in Council for initial two or three year terms. Individuals appointed to the Commission may serve a combined term of appointment of up to 10 years. Commission members attend monthly meetings and subcommittee meetings and make decisions on applications for authorizations. The Chair and Vice-Chair are also responsible for making administrative decisions regarding operations and relations with the Ministry.

The Building Materials Evaluation Commission is provided with administrative, technical and secretarial support through the Ministry of Municipal Affairs and Housing's Building and Development Branch. The Building Materials Evaluation Commission's direct support staff consists of a 0.4 Full Time Equivalent Coordinator, Building Innovation, a 0.8 Full Time Equivalent Commission Secretary and a 0.4 Full Time Equivalent administrative assistant. Legal advice is provided through the Ministry's Legal Services Branch.

Caseload

The chart below indicates the number of applications received for authorizations, the number of new authorizations issued and the number of amendments to existing authorizations over the last five years:

Fiscal Year	New Applications	New Authorizations	Authorizations Amended
2006 – 2007	17	9	5
2007 - 2008	13	7	9
2008 - 2009	6	5	2
2009 - 2010	12	7	1
2010 - 2011	12	6	2

The rate of applications to the Building Materials Evaluation Commission slightly decreased in 2007 - 2008 and a further decrease in application rate can be seen for the 2008 – 2009 fiscal year; however, the application rate has returned to expected levels during the current reporting cycle. While the number of applications may have decreased slightly from the 2005 – 2006 fiscal year, the complexity of the applications has increased.

In addition to the number of new applications noted above, the Building Materials Evaluation Commission has also considered requests for amendments to existing Authorizations. These applications for amendment are processed in much the same manner as a new application.

C. ANALYSIS OF BUILDING MATERIALS EVALUATION COMMISSION PERFORMANCE

Performance Measures and Targets

The Building Materials Evaluation Commission has adopted the recommendations for performance measurement established in 2000 by the Agency Reform (Guzzo) Commission. These are: fairness, accessibility, timeliness, quality and consistency, transparency, expertise, optimum cost, and courtesy. While not all of the goals were rated as "high" by the Commission, there are processes in place to ensure that all goals are integrated into the Commission's operation and are, therefore, adequately addressed. The chart below indicates the goals that the Commission rated as "high". Performance measures based on these goals are found in Appendix 1.

Goals	Ranking
Fairness	**High**
Accessibility	Low
Timeliness	**High**
Quality and Consistency	**High**
Transparency	Medium
Expertise	**High**
Optimum Cost	Low
Courtesy	Medium

Several steps have been taken to enhance the Building Materials Evaluation Commission's performance and accountability over the past several years, including incorporating performance measurement in the Ministry's business planning process and introducing Commission-specific performance measures (Guzzo Report recommendations). The following is a sample of how the Building Materials Evaluation Commission fared on some of its targets for its goals in 2010 – 2011:

Fairness

- Although an application for judicial review was filed in November 2010, the application was abandoned in March 2011. Therefore, the stated target of no more than two complaints or judicial reviews was again met in the 2010 – 2011 fiscal year.
- Survey results for the 2010 – 2011 fiscal year indicate that 100% of clients surveyed agreed that they were treated fairly.

Timeliness

- The Building Materials Evaluation Commission has set a target of three months from date of application to decision. In most years, the Commission has achieved this target; however, due to complexity of applications and some applications requiring subsequent submissions, this target has not been achieved in the past three fiscal years. The Building Materials Evaluation Commission made decisions within four months of receiving an application for the majority of files during the 2010 – 2011 fiscal year.

Quality and Consistency

- Survey results of the parties that utilized Commission services in the 2010 - 2011 fiscal year indicated that 100% of respondents felt that the processes and procedures were clear and understandable.

Transparency

- In 2008, the Building Materials Evaluation Commission modified the application form and instructions within the Policy and Procedures publication for submission of applications. Survey results of the parties that utilized the Commission's services in the 2010 – 2011 fiscal year indicated that 100% of respondents felt that the processes and procedures were clear and understandable.

Expertise

- Survey results of the parties that utilized the Commission's services in the 2010 – 2011 fiscal year indicated that 100% of respondents felt that members demonstrated an appropriate level of expertise regarding the technical matters under consideration.

Courtesy

- Survey results of the parties that utilized the Commission's services in the 2010 – 2011 fiscal year indicated that 100% felt that they were treated with courtesy by Commission staff throughout the application process and 100% felt that the Commission members treated them with courtesy.

The complete list of performance measures and survey results for the Building Materials Evaluation Commission can be found in Appendix 1.

Operational Performance

The Building Materials Evaluation Commission believes that in order to provide quality service to the public and the construction sector in particular, the Commission, as an agency, must operate as effectively and efficiently as possible. This means more than having performance measures in place to strive for service excellence on a day-to-day basis. It also means pursuing excellence from an operational and administrative standpoint over the long term. In order to achieve this, the Building Materials Evaluation Commission also assesses itself on its operational performance. As with the above performance measures, operational excellence ensures accountability. The following are some of the operational achievements from 2010 – 2011:

- The Building Materials Evaluation Commission achieved compliance with the revised Agency Establishment and Accountability Directive by Treasury Board/Management Board of Cabinet's March 31, 2011 deadline.

- The Building Materials Evaluation Commission reviewed and updated its Guidelines, Policies and Procedures Handbook.

- The Building Materials Evaluation Commission continued its practice of surveying clients and received an overall satisfaction rating of 100% from clients, who had used the services of the Commission between April 1, 2010 and March 31, 2011.

D. FINANCIAL REPORT

Budget

The Building Materials Evaluation Commission has no financial budget of its own. All costs of operation are borne by the Ministry of Municipal Affairs and Housing.

Revenues

Revenues in the form of application fees are received, deposited and accounted for as part of the Ministry of Municipal Affairs and Housing's non-tax revenues.

Remuneration of Members

As part-time appointees, Building Materials Evaluation Commission members receive remuneration in the form of a per diem as established by Treasury Board/Management Board of Cabinet. Commission members are also reimbursed for out-of-pocket expenses associated with attending Commission meetings in Toronto and elsewhere in the province, in accordance with Ministry of Municipal Affairs and Housing and Ontario Public Service Guidelines. Costs and expenses associated with Building Materials Evaluation Commission activities, including operating costs and member per diems, form part of the overall budget for the Building and Development Branch of the Ministry of Municipal Affairs and Housing. The Building Materials Evaluation Commission's application rate and/or complexity of issues directly impact the Branch's budget in support of Commission activities.

Appendix 1

Building Materials Evaluation Commission Performance Measurement: *Performance Measures, Targets, Status and Commitments*

Building Materials Evaluation Commission -- Performance Measurement				
Outcomes	**Measures**	**Targets**	**2010 – 2011 Status**	**2011 – 2012 Commitments**
Fairness (processes and procedures that are fair and are seen to be fair)	Applicants are satisfied that the process was balanced, appropriate and fair	No more than 10% of Building Materials Evaluation Commission decisions should result in judicial review on an annual basis	The stated target of no more than two complaints or judicial reviews was again met in the 2010 – 2011 fiscal year	Not more than 10% of Building Materials Evaluation Commission decisions should result in judicial review on an annual basis
Timeliness (quick and careful evaluation of innovative construction materials, systems and designs)	a) Average number of months from receipt of application to decision/issuance of authorization b) Timely posting of final authorizations on the Commission's internet site	a) Decisions made or authorization issued within an average of three months after the first Commission meeting following receipt of a complete application b) Post 80% of final authorizations on the Building Materials Evaluation Commission internet site within 10 working days of issuance	a) Decisions made or authorizations issued within an average of four months after the first Commission meeting upon receipt of complete application. b) Final authorizations posted on the Building Materials Evaluation Commission internet site within 10 working days for 80% of authorizations issued.	a) Decisions made or authorization issued within an average of three months after the first Commission meeting following receipt of complete application b) Post 80% of final authorizations on the Commission's internet site within 10 working days of issuance
Quality and Consistency (process and procedures that have integrity and uniformity and are clear to all Applicants)	Applicants are satisfied that the Commission's process and procedures are clear and were conducted with a high degree of quality and consistency	That 75% of Applicants felt that the process and procedures were clear and had a high degree of quality and consistency	10/11 Survey results of Commission clients show that 100% of respondents felt that the process and procedures were clear and had a high degree of quality and consistency	That 80% of Applicants feel that the process and procedures are clear and had a high degree of quality and consistency

Building Materials Evaluation Commission -- Performance Measurement				
Outcomes	**Measures**	**Targets**	**2010 – 2011 Status**	**2011 – 2012 Commitments**
Expertise (careful and sound Commission decisions are made due to technical competence of members)	a) Applicants are satisfied that Commission members demonstrated an appropriate level of knowledge and technical competency b) Timely notice to the Minister's Office regarding upcoming Commission member vacancies	a) That 75% of Applicants felt that Commission authorizations reflected a high degree of technical knowledge and expertise appropriate to the proposal b) Provide two months notice to the Minister's Office in advance of member's appointments expiring	a) 10/11 Survey results of Commission clients show that 100% of responding parties were satisfied that members were experts b) The Minister's office was provided with two months notice in advance of member appointments expiring in the fiscal year 10/11.	a) That 85% of Applicants feel that Commission authorizations reflected a high degree of technical knowledge and expertise appropriate to the proposal b) Provide two months notice to the Minister's Office in advance of member's appointments expiring
Courtesy (polite and courteous treatment of all parties)	Parties are satisfied that they were treated with courtesy throughout the application and evaluation process	That 75% of parties surveyed felt that they were treated with courtesy throughout the application and evaluation process	10/11 Survey results indicate that 100% of clients felt that they were treated with courtesy by Commission staff throughout the application process and 100% felt that they were treated with courtesy by the Commission members.	That 90% of parties surveyed felt that they are treated with courtesy throughout the application and evaluation process

APPENDIX 2

MEMBERS OF THE BUILDING MATERIALS EVALUATION COMMISSION

Commission Members	Original Appointment Date	Expiry Date of Current Appointment	Location
Ed Link Chair	July 5, 2004	July 14, 2014	Windsor
Gerald Genge Vice - Chair	June 28, 2006	July 14, 2014	Sutton West
Frank Wright	February 27, 2002	June 3, 2010	Thunder Bay
Douglas Joy	May 29, 2002	June 3, 2013	West Montrose
Matthew Graham	July 5, 2004	June 30, 2012	Ottawa
Elizabeth Hilfrich	July 5, 2004	June 30, 2012	Kanata
Susan Reed Tanaka	July 5, 2004	June 30, 2012	Toronto
Susan Ing	May 30, 2006	July 14, 2014	Toronto
Fred Barkhouse	June 22, 2006	July 14, 2014	Stittsville
Susan Tienhaara	June 30, 2006	July 14, 2014	Moorefield
Doug Vergunst	June 25, 2008	June 1, 2012	Kenora